

**Kalamazoo Public Library
OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
REGULAR SESSION**

DATE: October 27, 2003
TIME: 4:00 p.m.
LOCATION: Central Library
Board Room
315 South Rose Street
Kalamazoo, Mi 49007

President Brown called the meeting to order at 4:00 p.m.

PRELIMINARY BUSINESS

Roll Call: All Trustees were present: Cynthia Addison, Donald Brown, Robert Brown, Amy DeShon, Loren Dykstra, Lisa Godfrey, and James Vander Roest.

President Brown noted a special meeting scheduled for the board of trustees on Monday, November 3 at 4:00 p.m. to review the results of a community survey on library services.

Approval of Agenda:

Mr. Vander Roest requested that item V. A., the 2002/2003 Audit, be moved to the beginning of the meeting. There was no objection and the agenda was adjusted accordingly.

(Moved from V. A.) 2002/2003 Audit

Presentation: Mr. Amdursky reported the Finance & Budget Committee met with Mr. Bill Sage, representative from the board's auditing firm of Siegfried, Crandall to review the 2002/2003 audit. We received an unqualified opinion letter from Siegfried Crandall, which indicates a clean audit. We have received clean audits since we became a district library in 1990 and a lot of the credit should go to our Business Manager, Diane Schiller.

Mr. Vander Roest indicated the committee reviewed the audit at some length with Mr. Sage and KPL managers. Even though audit adjustments are a standard part of the audit process, the reports were so good that none needed to be made.

MOTION: THE FINANCE & BUDGET COMMITTEE RECOMMENDED ACCEPTANCE OF THE 2002/2003 AUDIT.

Discussion: In response to a question by Mr. Brown, Mr. Vander Roest said the new GASB rules that will consolidate all funds onto one balance sheet are not in effect until next year.

Mr. Sage said he covered the audit in depth with the Finance & Budget Committee. Staff did a good job of controlling the budget, including the presentation of timely budget amendments. Auditors requested the endowment fund be presented at fair market value rather than cost, which Ms. Schiller did. It was also sound policy to adopt a resolution regarding the board's intent to permanently invest the endowment money through June, 2004.



Motion carried 7-0. The board accepted the 2002/2003 audit.

I. RECOGNITIONS, RESOLUTIONS, COMMUNICATIONS

A.. Communication

Mr. Amdursky reported a letter was received from Sacks & Associates, the White Plains New York law firm working on the library's behalf to try to recover funds from Program Corporation of America, the booking agent who failed to contract for an appearance by James Earl Jones as agreed. A judgment in the amount of \$18,200 was entered on October 9, 2003.

An FBI agent from the bureau's White Plains office contacted KPL. We provided copies of all written documentation regarding this issue as he requested.

B. Resolution Regarding the USA PATRIOT Act

Recommendation: Mr. Brown recommended the board adopt the following resolution language regarding the USA PATRIOT Act and Mr. Vander Roest supported the motion:

WHEREAS, the Kalamazoo Public Library Board of Trustees affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy; and

WHEREAS, Libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions and communities, and

WHEREAS, the Kalamazoo Public Library Board of Trustees holds that suppression of ideas undermines a democratic society; and

WHEREAS, Privacy is essential to the exercise of free speech, free thought and free association; and in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, Certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation and other related measures expand the authority of the federal government to obtain library records, secretly monitor all electronic communication and prohibit libraries and librarians from informing users of such monitoring or information requests; and

WHEREAS, The USA PATRIOT Act and other recently enacted laws, regulations and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; and

WHEREAS, the USA PATRIOT Act disproportionately affects the poor and unemployed, many of whom rely on computers in libraries and other public places; and

WHEREAS, Other organizations such as the American Library Association and the Michigan Library Association have adopted resolutions expressing concern about the Act,

NOW THEREFORE BE IT RESOLVED, That the Kalamazoo Public Library Board of Trustees opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and, be it further

RESOLVED, That the Kalamazoo Public Library Board of Trustees supports all efforts, such as those by members of Congress, to amend any sections of the USA PATRIOT Act that violate fundamental rights and liberties guaranteed by the United States Constitution, and be it further

RESOLVED, that the Michigan Congressional delegation be asked to support legislation that would increase Congressional oversight of the Act; and be it further

RESOLVED, that this resolution be sent to the entire Michigan Congressional delegation.

And Further, The Kalamazoo Public Library Board of Trustees DIRECTS the Library Director to post, in a prominent place within the Library and on the Library's website, a notice to library users as follows:

NOTICE: Although the Kalamazoo Public Library makes every effort to protect your privacy, under the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. This federal law prohibits library workers from informing you if federal agents have obtained records about you. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530. (Telephone 202-353-1555; fax 202-307-6777)

And further, The Kalamazoo Public Library Board of Trustees DIRECTS the Library Director to prepare an informational brochure for library patrons on the USA Patriot Act containing frequently asked questions on the Act and referring patrons to information sources.

Discussion:

Mr. Brown said the Committee met several times, considered a lot of materials, and developed the resolution now before the board, including the action items described for distribution of the resolution and the preparation of signs and informational brochures for the public.

President Brown congratulated the Committee on the timely completion of its charge.

Mr. Vander Roest indicated he had concerns about involving KPL in illegal actions when such a motion was considered earlier, but the resolution language addresses those concerns and therefore he intends to support the resolution and thanked the Committee for developing it.

Ms. Godfrey said the Committee's objective was to educate our patron base to the potential for access to their records they are not accustomed to seeing in the history of library use. That is why they encouraged the use of the notice and the brochure because the intention is to inform.

Mr. Dykstra asked about possible legislation in process to amend the Act. Mr. Amdursky said there is activity afoot to attempt amend and also court action trying to declare some elements unconstitutional, whether there is likelihood for either circumstance is impossible to predict.

Ms. Godfrey indicated if the law changes, the brochure would be redone accordingly.

Mr. Vander Roest said the board has taken steps to eliminate patron records to the extent possible and felt it would be appropriate to include language in the brochure to inform the public that this has been done to safeguard people's privacy interests.

President Brown asked that such language be included and that the Ad Hoc Committee review the brochure prior to publication.

Roll Call Vote: Mr. Brown – yes; Mr. Vander Roest – yes; Mr. Dykstra – yes; Ms. Addison – yes; Ms. DeShon – yes; Ms. Godfrey – yes; Dr. Brown – yes.



MOTION CARRIED 7-0. The resolution was adopted.

II. PERSONS REQUESTING TO ADDRESS THE BOARD

Kevin King, Teen Services librarian, 212 Creston Avenue, told trustees that five years ago there were eight teens on what was then called the Young Adult Advisory Board (YAAG). Now there are over 50 members of the group renamed Teen Advisory Board (TAB). It was felt they could more successfully conduct meetings of 30 people if they had elected officers, so they recently elected members to four positions. He indicated three of the four officers were in attendance and asked them to introduce themselves. They were: Kurtis Letterman, President, Courtney Rockenbach, Parliamentarian, and Kirsten Bowman-Wilson, Secretary. Molly Peak, Vice President, was unable to attend. They all attend Kalamazoo Central High School except for Ms. Rockenbach, who is home-schooled.

Mr. King said the executive group meets prior to each twice-monthly meeting of the members. As a result, the regular meetings are flowing better and great ideas are presented regularly.

Trustees thanked the TAB officers for coming.

Jim Rodbard, 3705 Glengarry, congratulated the board for its continued and unqualified dedication to the community and the community's right to free speech in whatever form or medium it may take, particularly in light of the resolution adopted regarding the USA PATRIOT Act earlier in the meeting. He said he is proud to be a member of the Kalamazoo community and a patron of the Kalamazoo Public Library.

III. CONSENT CALENDAR

- A. Minutes of the Regular Meeting of September 22, 2003
- B. Personnel Items

There were no personnel items.

Disposition: The board accepted the minutes of the meeting of September 22, 2003 as presented.

IV. FINANCIAL REPORTS

- A. Financial Reports for the Period Ending September 30, 2003

Recommendation: Director Amdursky recommended the board accept the Financial Reports for the Period Ending September 30, 2003.

MOTION: THE FINANCE & BUDGET COMMITTEE MOVED AND MS. GODFREY SUPPORTED ACCEPTANCE OF THE FINANCIAL REPORTS FOR THE PERIOD ENDING SEPTEMBER 30, 2003 AS RECOMMENDED.



MOTION CARRIED 7-0.
The Financial Reports for the Period Ending September 30, 2003 were accepted.

ACTION ITEMS

V. B. Materials Selection Policy Revision

Recommendation: Mr. Amdursky presented a revision to the Materials Selection Policy and recommended board approval.

Executive Summary: The library's Materials Selection Policy, originally adopted April 2, 1990, is to be reviewed every five years. The last review and revision occurred in December of 1998.

In addition to a few cosmetic adjustments, there are four substantive areas of change:

- The electronic resources portion of the policy was expanded to delineate three types of information available electronically: free worldwide web connection; web picks; and electronic databases. This section presents an augmented list of selection criteria applicable specifically to electronic formats.
- The Local History/Community Information section includes a new paragraph about the acquisition of instructional materials to assist patrons in the use of local history sources.
- A new section addresses the library's role as a government documents depository, as requested as an official outcome of the library's most recent government documents' inspection.
- A new section on periodicals and newspapers sets forth considerations unique to these formats.

MOTION: MR. BROWN MOVED AND MS. GODFREY SUPPORTED REVISION OF THE MATERIALS SELECTION POLICY AS RECOMMENDED BY THE DIRECTOR.

Discussion: There were questions and discussion regarding the donation of materials. Ms. De Shon wondered whether there is a need to address harassment or discrimination within this policy or to address materials selection in the policies that address those issues; it was felt this is unnecessary. Also discussed was the appropriateness having a policy for materials selection vs. selection as a principle, the process for discarding materials, and the new language regarding electronic resources.



MOTION CARRIED, 7-0. The Materials Selection Policy was amended as recommended.

REPORTS

C. Report on Formation of a Downtown Development Authority in Oshtemo Township

Presentation: As indicated at last month's board meeting, the director attended the Oshtemo Township board's working session regarding formation of a DDA to provide infrastructure improvements to attract business for an area that has not grown at the same pace as the rest of the township. The next step in the process is for a public hearing to be held.

Taxing entities have a choice of whether or not to participate in the DDA. The other entities, County of Kalamazoo, KRESA, KVCC, Kalamazoo Public Schools, Oshtemo Township and Fire will all be participating. He provided copies of the notice of hearing, maps of boundaries of the proposed DDA district, and a chart by taxing entity of annual captured tax amounts for 10 years, from 2003 through 2013.

If the board chooses to do nothing, the DDA will be established and the library's tax within the DDA district will be captured. If the board chooses not to participate, formal notice must be given to Oshtemo Township. If the board wishes to participate but wants to limit its financial exposure, negotiations must be initiated with the township.

The cost to the library to participate fully in the DDA is expected to be \$32,500 annually for 10 years. Captured by the township would be new growth on real property, not the existing taxes. Personal property is not included in a DDA.

The public hearing on establishing the DDA and its boundaries will be held Tuesday, November 18 at 700 p.m. at the Oshtemo Township Hall at 7275 West Main Street, next door to Oshtemo Branch library.

KPL must provide a timely response if we choose not to participate in the DDA.

Discussion: Ms. Godfrey pointed out that after 10 years the library would benefit by receiving all the taxes it is due from both current businesses as well as new businesses that may be established as a result of the DDA. Without the incentive of improvements to the infrastructure that will be made possible by the DDA, the expected growth in business would probably not occur, so the library wouldn't receive new taxes anyway. The DDA will be established; it is just a matter of whether KPL will participate.

There were questions about the possible budget impact, the likelihood that any short-term loss would be more than offset by future growth business in Oshtemo Township and the accuracy of the township's cost projections.

President Brown indicated timing does not require an immediate decision on this issue. Mr. Amdursky will invite a representative from Oshtemo Township to attend the December board meeting to answer trustee questions.

Mr. Vander Roest commented it has been the desire of the board historically to set an example by working cooperatively with other governmental bodies.

Ms. DeShon wondered if there are tangible projects township officials foresee and what the impact might be on growth in the city of Kalamazoo and expressed a desire for Oshtemo Township and the city to work together. She appreciated the opportunity to receive more information before having to vote on this issue.

Ms. Godfrey said the DDA in place for the City of Kalamazoo has been good for the city, that it is in fact allowing revitalization of the downtown; there are a number of cities in Michigan whose downtowns have also benefited from the institution of a DDA. She added there is nothing available within the city of Kalamazoo of the size being discussed for a DDA in Oshtemo Township.

Disposition: More information will be provided to trustees as available and a representative from Oshtemo Township will be invited to the December board meeting.

VI. COMMITTEE REPORTS

A. Finance & Budget Committee
No report.

B. Personnel Committee
No report.

VII. OTHER BUSINESS

A. Directors Report

Mr. Amdursky told trustees the state library has already received a two million dollar reduction to its annual budget of eight million dollars. Additional funding cuts are expected. In response to a question about the effect of state library budget cuts on KPL, the director indicated it is likely our annual state aid allocation will be reduced. The state library may close during one business day, which will mean they are not available for service. The reductions will have a significant impact on library cooperatives.

The director is exploring partnering with the Kalamazoo Institute of the Arts to seek grant funds available for computer hardware.

He explained that the annual staff recognition event will be scaled back this year as part of the effort to reduce expenditures. Instead of the traditional dinner function, a breakfast will be held in house for staff. Ms. Godfrey expressed her concern that the importance of the event may be diminished by a shift to a weekday breakfast event and disappointment that families will not be able to attend this year.

Mr. Amdursky distributed copies of the “Attitudes, Awareness and Usage” survey done for the library by WJ Schroer Company in advance of a presentation by Mr. Schroer at a special board meeting scheduled for November 3, 2003.

VIII. PERSONS REQUESTING TO ADDRESS THE BOARD

No one addressed the board.

IX. TRUSTEE COMMENTS

Ms. Godfrey said she had occasion to use a meeting room at Central Library over a two-day period recently. Arrangements were accomplished in an impeccable fashion and there were a number of comments from those in attendance who were impressed with the excellent condition of the buildings and the cleanliness of the restrooms – they felt it was the best maintained facility in town, high praise from people who also work in public buildings in the community.

Ms. DeShon overheard some exchanges between staff and patrons at Eastwood Branch library recently; the staff members provided what she considered to be quintessential service for a small neighborhood library.

Ms. Addison said she attended the Healing Racism Institute and will be attending a meeting of those who attended from KPL to talk about what should be done to follow-up on the experience.

Mr. Vander Roest noted the attorney general of the United States asserted a defense of the library provisions of the U.S. PATRIOT Act by saying they’d never been used. He recalled the author John Dickinson, who wrote *Letters of a Pennsylvania Farmer* in 1767. He wrote “Who are a free people? Not those over whom the powers of government are justly and rightly exercised, but only those over whom such powers can only be so exercised.” This is an 18th century way of saying “Mr. Ashcroft, you don’t get the power because you could

abuse it.” He thinks sometimes in the heat of events we want to give power to someone who says that power will help make us safer. That’s an understandable impulse, but he hopes at least regarding the library provisions which he finds objectionable, our elected representatives will consider taking from Mr. Ashcroft the power he’s never exercised anyway.

President Brown added it was reported Mr. Ashcroft, when asked if the library portion of the PATRIOT Act would ever be implemented, replied that it would not be implemented because it would be a public relations disaster. One might question whether laws should be in place that are so odious that you wouldn’t dare to enforce them.

President Brown thanked everyone for their participation and dedication to the library.

X. ADJOURNMENT

Hearing no objections, President Brown adjourned the meeting of the Kalamazoo Public Library Board of Trustees at 5:30 p.m.

Loren Dykstra, Secretary